

Assembly Constitutional Amendment

No. 12

Introduced by Assembly Member Gorell

March 5, 2014

Assembly Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 6, 9, 10, and 16 of Article II thereof, and by amending Section 8 of Article IV thereof, relating to elections.

LEGISLATIVE COUNSEL’S DIGEST

ACA 12, as introduced, Gorell. Elections: Secretary of State.

The California Constitution provides that all judicial, school, county, and city offices, and the office of the Superintendent of Public Instruction, are nonpartisan.

This measure would provide that the office of the Secretary of State is also a nonpartisan office.

The California Constitution provides that the electors may propose a statute or an amendment to the California Constitution by initiative and approve or reject a statute by referendum. An initiative measure may be proposed by presenting to the Secretary of State a petition that sets forth the text of the proposed statute or amendment to the Constitution, and is certified to have been signed by the required number of electors, as prescribed. A referendum measure may be proposed by presenting to the Secretary of State a petition that sets forth the statute or part of the statute to be submitted to the electors, and is certified to have been signed by the required number of electors. Prior to the circulation of an initiative or referendum petition for signatures, the California Constitution requires that a copy of the petition be submitted

to the Attorney General, who is required to prepare a title and summary of the measure. Existing statutory law also directs the Attorney General to prepare the ballot label, and the ballot title and summary that is included in the ballot pamphlet, for each measure that appears on a statewide ballot.

This measure would require that an initiative or referendum petition be submitted to the Secretary of State instead of the Attorney General, and would transfer from the Attorney General to the Secretary of State the duty of preparing the title and summary for an initiative or referendum petition that is to be circulated. The measure would also require, for each measure that appears on a statewide ballot, that the Secretary of State prepare the ballot label and the ballot title and summary for the ballot pamphlet.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

1 *Resolved by the Assembly, the Senate concurring,* That the
2 Legislature of the State of California at its 2013–14 Regular
3 Session commencing on the third day of December 2012,
4 two-thirds of the membership of each house concurring, hereby
5 proposes to the people of the State of California that the
6 Constitution of the State be amended as follows:

7 First—That Section 6 of Article II thereof is amended to read:

8 SEC. 6. (a) All judicial, school, county, and city offices,
9 ~~including~~ *and the offices of the Secretary of State and the*
10 Superintendent of Public Instruction, shall be nonpartisan.

11 (b) A political party or party central committee shall not
12 nominate a candidate for nonpartisan office, and the candidate's
13 party preference shall not be included on the ballot for the
14 nonpartisan office.

15 Second—That Section 9 of Article II thereof is amended to read:

16 SEC. 9. (a) The referendum is the power of the electors to
17 approve or reject statutes or parts of statutes, except urgency
18 statutes, statutes calling elections, and statutes providing for tax
19 levies or appropriations for *the* usual current expenses of the State.

20 (b) A referendum measure may be proposed by presenting to
21 the Secretary of State, within 90 days after the enactment date of
22 the statute, a petition certified to have been signed by electors
23 equal in number to 5 percent of the votes for all candidates for
24 Governor at the last gubernatorial election, asking that the statute

1 or part of it be submitted to the electors. In the case of a statute
2 enacted by a bill passed by the Legislature on or before the date
3 the Legislature adjourns for a joint recess to reconvene in the
4 second calendar year of the biennium of the legislative session,
5 and in the possession of the Governor after that date, the petition
6 may not be presented on or after January 1 next following the
7 enactment date unless a copy of the petition is submitted to the
8 ~~Attorney General~~ *Secretary of State* pursuant to subdivision (d) of
9 Section 10 of Article II before January 1.

10 (c) The Secretary of State shall then submit the measure at the
11 next general election held at least 31 days after it qualifies or at a
12 special statewide election held prior to that general election. The
13 Governor may call a special statewide election for the measure.

14 Third—That Section 10 of Article II thereof is amended to read:

15 SEC. 10. (a) An initiative statute or referendum approved by
16 a majority of votes *cast* thereon takes effect the day after the
17 election unless the measure provides otherwise. If a referendum
18 petition is filed against a part of a statute, the remainder *of the*
19 *statute* shall not be delayed from going into effect.

20 (b) If provisions of ~~2~~ *two* or more measures approved at the
21 same election conflict, those of the measure receiving the highest
22 ~~affirmative vote number of affirmative votes~~ shall prevail.

23 (c) The Legislature may amend or repeal *a* referendum ~~statutes~~
24 ~~statute.~~ *The Legislature* may amend or repeal an initiative statute
25 by another statute that becomes effective only when approved by
26 the electors, unless the initiative statute permits amendment or
27 repeal without ~~their~~ *the* approval *of the electors*.

28 (d) Prior to circulation of an initiative or referendum petition
29 for signatures, a copy shall be submitted to the ~~Attorney General~~
30 *Secretary of State*, who shall prepare a title and summary of the
31 measure as provided by law.

32 (e) The Legislature shall provide the manner in which petitions
33 shall be circulated, presented, and certified, and measures submitted
34 to the electors.

35 Fourth—That Section 16 of Article II thereof is amended to
36 read:

37 SEC. 16. (a) The Legislature shall provide for *the* circulation,
38 filing, and certification of petitions, *the* nomination of candidates,
39 and ~~the recall election~~ *elections*.

1 (b) For each statewide ballot measure, the Secretary of State
2 shall prepare the ballot label and shall prepare the ballot title and
3 summary for the state ballot pamphlet.

4 Fifth—That Section 8 of Article IV thereof is amended to read:

5 SEC. 8. (a) At regular sessions no bill other than the budget
6 bill may be heard or acted on by committee or either house until
7 the 31st day after the bill is introduced, unless the house dispenses
8 with this requirement by rollcall vote entered in the journal, ~~three~~
9 ~~fourths~~ *three-fourths* of the membership concurring.

10 (b) The Legislature may make no law except by statute and may
11 enact no statute except by bill. No bill may be passed unless it is
12 read by title on ~~3~~ *three* days in each house, except that the house
13 may dispense with this requirement by rollcall vote entered in the
14 journal, ~~two-thirds~~ *two-thirds* of the membership concurring. No
15 bill may be passed until the bill with amendments has been printed
16 and distributed to the ~~members~~ *Members*. No bill may be passed
17 unless, by rollcall vote entered in the journal, a majority of the
18 membership of each house concurs.

19 (c) (1) Except as provided in paragraphs (2) and (3) ~~of this~~
20 ~~subdivision~~, a statute enacted at a regular session shall go into
21 effect on January 1 next following a 90-day period from the date
22 of enactment of the statute, and a statute enacted at a special session
23 shall go into effect on the 91st day after adjournment of the special
24 session at which the bill was passed.

25 (2) A statute, other than a statute establishing or changing
26 boundaries of ~~any legislative, congressional, or other~~ *an* election
27 district, enacted by a bill passed by the Legislature on or before
28 the date the Legislature adjourns for a joint recess to reconvene in
29 the second calendar year of the biennium of the legislative session,
30 and in the possession of the Governor after that date, shall go into
31 effect on January 1 next following the enactment date of the statute
32 unless, before January 1, a copy of a referendum petition affecting
33 the statute is submitted to the ~~Attorney General~~ *Secretary of State*
34 pursuant to subdivision (d) of Section 10 of Article II, in which
35 event the statute shall go into effect on the 91st day after the
36 enactment date unless the petition has been presented to the
37 Secretary of State pursuant to subdivision (b) of Section 9 of
38 Article II.

39 (3) Statutes calling elections, statutes providing for tax levies
40 or appropriations for the usual current expenses of the State, and

1 urgency statutes shall go into effect immediately upon their
2 enactment.

3 (d) Urgency statutes are those necessary for immediate
4 preservation of the public peace, health, or safety. A statement of
5 facts constituting the necessity shall be set forth in one section of
6 the bill. In each house, the section and the bill shall be passed
7 separately, each by rollcall vote entered in the journal, ~~two-thirds~~
8 *two-thirds* of the membership concurring. An urgency statute may
9 not create or abolish any office or change the salary, term, or duties
10 of any office, or grant any franchise or special privilege, or create
11 any vested right or interest.